

**- AMENDED-**

**MINUTES  
BOATING AND WATERWAYS COMMISSION MEETING  
DANA POINT, CALIFORNIA  
May 23, 2007**

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Chairwoman Clark, on May 23, 2007, at 8:30 A.M., at the Doubletree Doheny Beach Hotel, 34402 Pacific Coast Highway, Dana Point, California.

**ROLL CALL**

Commissioners Present:            Lenora S. Clark  
   Douglas W. Metz  
   H.P. "Sandy" Purdon  
   Warren E. Rupf

Commissioners Absent:           Robert Y. Nagata  
   Edward C. Reno III

Department of Boating and  
Waterways Personnel Present:   Raynor Tsuneyoshi, Director  
   Joy Fisher, Staff Counsel  
   Dr. Flick, Oceanographer  
   David Johnson, Deputy Director  
   Steve Watanabe, Chief, Facilities Division  
   Debra DeVerter, Chief, Administration  
   Harold Flood, Manager, Facility Division  
   Renae Anub, Staff Services Analyst  
   Greg Imura, Staff Services Analyst  
   Margarita Sanchez, Administrative Assistant

**CLOSED SESSION**

Chairwoman Clark convened the meeting and announced commencement of the closed session. Following completion of the closed session, Chairwoman Clark continued the public portion of the meeting.

Chairwoman Clark welcomed everyone and commented on the field trip to Dana Point Harbor. She said one of the reasons the Commission meets around the state is to provide an open forum for discussions on issues of the Department and on specific presentations.

Chairwoman Clark indicated she will attempt to move quickly along the agenda items because there is a bare quorum of Commissioners and Commissioner Rupf has to depart early.

## **APPROVAL OF MINUTES**

**MOTION:** It was moved by Commissioner Purdon and seconded by Commissioner Rupf that the Boating and Waterways Commission minutes of January 18, 2007, meeting be approved. The motion carried unanimously.

## **CHAIRMAN'S REPORT**

Chairwoman Clark reported the United States Coast Guard is looking into national identification and registration of small vessels and boaters should be aware of this issue. She said the Coast Guard feels it is in the best interest of the United States to know who is piloting small vessels throughout the country. She said the President of the United States has already enacted a bill for a national identification system which may have some conflicting issues in it. Mr. Tsuneyoshi added that he is attending a meeting on this subject in Washington D.C. on June 19 & 20, and he will report back to the Commission at the next meeting.

Chairwoman Clark reported that several Commissioners met with legislators to discuss the funds that are available to the Department through the Harbor and Navigation Revolving Fund. She indicated that the funds are being redirected away from its intended purpose. Chairwoman Clark asked that everyone stay vigilant on attempting to retain the funds.

Chairwoman Clark said history has been made with AB 1458 which was sponsored by Recreational Boaters of California. She said this agreement and process has not been seen before with the entire stakeholders groups coming together and participating in crafting the bill. Chairwoman Clark said the bill is now a two year bill and there is still a lot of work to be done.

Chairwoman Clark reported that there will be a presentation today on copper-based antifouling paints. She said there still is a lot of work to be done in the manufacturing of paints that could be applied economically and still affects the transport of invasive species around the State.

Chairwoman Clark reported that she is a member of the Delta Vision Stakeholder Process. The Stakeholder Process consists of entities from all over the State and is looking at how sustainable the Delta is, the ecosystems that surround it, and the transport of water to 23 million people throughout the State. The agriculture business will also be looked at. She indicated she will attend a meeting in Sacramento and report back to the Commission at the next meeting.

## **DIRECTOR'S REPORT**

Mr. Tsuneyoshi thanked everyone for attending today. He thanked Chairwoman Clark and Jerry Desmond, Recreational Boaters of California lobbyist, for all the work done on AB 1458. Mr. Tsuneyoshi reported a decision was made not to move forward with the audit requested by the Commission of the \$27 million given to State Parks and Recreation.

Mr. Tsuneyoshi stated the Department of Pesticide Regulation will announce in September its results in measuring copper in the water at 23 marinas in California and depending on the results of the survey, copper bottom paints for vessels may be phased out on a statewide basis. He noted that a preliminary survey showed that Marina del Rey and Berkeley have toxic levels of copper in their waters. Mr. Tsuneyoshi said the Department is working closely with the Department of Pesticide Regulation and will keep the Commission posted on any developments.

Mr. Tsuneyoshi announced new employees to the Department, Phaedra Bota, Manager, Boating Education, and Safety Program and Denise Peterson, Manager, Enforcement, Yacht and Ship and Regulations Program.

Mr. Tsuneyoshi said the Department will be celebrating the 50<sup>th</sup> anniversary with an exhibit at the State Fair from August 17<sup>th</sup> through September 3<sup>rd</sup>. The exhibit, he said, will be interactive and will be of a museum type of environment. Mr. Tsuneyoshi noted the start of National Safe Boating Week is May 19 through 26.

Mr. Tsuneyoshi updated the Commission on the quagga mussel which was discovered at Lake Havasu and the Colorado River in January. He indicated that the Department sent out a letter on the quagga mussel to over one million boaters at the cost of \$470,000. Mr. Tsuneyoshi added that as of May 14, approximately 13,258 trailered boats entering California through Yermo, Needles and Vidal Junctions had been checked. He indicated that funding and positions to enhance the current program for Fiscal Years 2007-2008 and 2008-2009 have been approved for the Department of Fish and Game and the Department of Food and Agriculture.

Mr. Tsuneyoshi congratulated Commissioner Rupf for his confirmation by the California Senate on April 16, as a member of the Boating and Waterways Commission and he noted that there is a vacancy on the Commission left by Bud Johnson.

Mr. Tsuneyoshi presented a Distinguished Public Service Award to former Boating and Waterways Commissioner Jon Fleischman.

### **BoatU.S. Foundation Environmental Leadership Award**

Ms. Heather Warmington, General Manager, California Service Center, BoatU.S., presented Commissioner Purdon with the BoatU.S. Foundation Environmental Leadership Award. The Foundation, she said, is dedicated to promoting safe and environmentally sensitive boating with the goal of reducing accidents and fatalities, increasing stewardship of the waterways and keeping boating safe, accessible and an enjoyable pastime.

Ms. Warmington stated the Foundation works with volunteer groups, government entities and dedicated individuals to spread the message of clean boating. This year, she said, the Foundation created the Environmental Leadership Award and 49 nominations were received praising individuals, local groups and entire companies in the boating industries.

Ms. Warmington said it is an honor to present Commissioner Purdon with the first ever BoatU.S. Foundation Environmental Leadership Award for the Clean Marina California Program and

presented him with a check for \$1,000, to use for his continuing efforts to advance clean boating. Commissioner Purdon thanked everyone who has helped with the Clean Marina California Program.

Chairwoman Clark announced agenda items 6 and 7 will be moved to after Old Business and she will attempt to move through the agenda quickly due to Commissioner Rupf's early departure.

## **CONSIDERATION OF PRIVATE RECREATIONAL MARINA LOANS**

Mr. Flood presented to the Commission for its advice and consent the following requests for private recreational marina loans.

### **Orwood Resort**

The Orwood Resort Recreational Marina Loan Project was pulled from the agenda.

### **Oxnard Marina**

Oxnard Marinas, a Limited Partnership has applied to the Department of Boating and Waterways for recreational marina loans totaling \$12,131,000 for improvements to the Peninsula and Bahia Cabrillo Marinas (Oxnard Marinas). The improvement project will utilize seven separate loans over a six year period. This proposed project concerns the second loan in the amount of \$630,000.

The Oxnard Marinas are located within the Channel Islands Harbor along the coast of southern California.

Mr. Flood indicated the proposed project would entail the replacement of marina berths, gangways, security gates and utilities in the Oxnard Marinas, as well as improvements to the harbormaster building restroom, and the construction of a small dinghy dock.

Mr. Tom Hogan and Mr. Jeff Pence, Principals, Oxnard Marinas, L.P., were available to answer questions from the Commission.

Mr. Flood stated that staff recommended that the Commission consent to the \$630,000 private recreational marina loan to Oxnard Marinas, L.P.

**MOTION:** It was moved by Commissioner Purdon and seconded by Commissioner Rupf that the Boating and Waterways Commission approve the request from Oxnard Marinas, L.P. for a recreational marina loan in the amount of \$630,000. The motion carried unanimously.

Mr. Hogan thanked the Commission.

## **CONSIDERATION OF PUBLIC GRANTS**

Mr. Flood presented to the Commission for its advice and consent the following requests for public grants.

### **Shelter Cove Boat Launching Facility**

The Humboldt Bay Harbor, Recreation and Conservation District has applied to the Department of Boating and Waterways for a public grant of \$1,726,000, to make improvements to the Shelter Cove Boat Launching Facility.

Shelter Cove Boat Launching Facility is located on the Pacific Ocean at the southern end of Humboldt County, 85 miles south of the City of Eureka, and 25 miles west of Garberville.

Mr. Flood indicated the proposed project would entail the following: 1) repair of the existing breakwater, 2) ramp repair, 3) access road repair, 4) installation of a guard rail on the access road, and 5) a project sign.

Representing the Shelter Cove Boat Launching Facility and available to answer questions from the Commissioners was David Hull, CEO, Humboldt Bay Harbor.

Mr. Flood reported that Commissioner Metz visited the proposed project site. Commissioner Metz stated the location is in a remote area, but in a rapid development destination and is the only boat launching facility for 100 miles. He stated he is in support of this proposed project.

Mr. Flood stated that staff recommended that the Commission consent to the \$1,726,000, public grant to the Humboldt Bay Harbor, Recreation and Conservation District to make improvements to the Shelter Cove Boat Launching Facility.

Mr. Hull thanked the Commission for considering the proposed project and said it is critical for the people in the area, since it is the only boat access between Fort Bragg and Eureka.

Commissioner Purdon asked what amount of usage is expected. Mr. Hull responded about 3,200 boaters are expected to use the ramp and the area is growing with expensive homes and more businesses are opening.

**MOTION:** It was moved by Commissioner Metz and seconded by Commissioner Rupf that the Boating and Waterways Commission approve the request from Humboldt Bay Harbor, Recreation and Conservation District for a public grant of \$1,726,000, to make improvements to the Shelter

Cove Boat Launching Facility. The motion carried unanimously.

### **Jack Smith Park Boat Launching Facility**

The City of Needles has applied to the Department of Boating and Waterways for additional grant funds of \$2,580,000 to complete improvements to the Jack Smith Park Boat Launching Facility. This proposed project concerns the phase III funding of \$223,000.

The Jack Smith Park Boat Launching Facility is located on the Colorado River in the City of Needles, approximately 100 miles south of Las Vegas, Nevada.

Mr. Flood reported the total proposed Jack Smith Park Boat Launching Facility project, upon completion, will include: 1) demolition of the existing ramp and construction of a new four-lane ramp and ramp apron, 2) installation of two new boarding floats, 3) construction of a new parking area, 4) repaving of the existing parking area, 5) repaving of the access road, 6) construction of two new restrooms, 7) dredging of the boat launching channel, 8) installation of slope protection, 9) provision of drainage, 10) installation of utilities, 11) construction of shade structures, 12) construction of an entry booth, and 13) installation of a project sign and ancillary items.

Jeff Williams, Mayor and Richard Rowe, City Manager, City of Needles, were available to answer questions from the Commission.

Mr. Flood stated that staff recommended that the Commission consent to the public grant of \$223,000, to make improvements to the Jack Smith Park Boat Launching Facility.

Mr. Williams stated the boat launching facility has been a great asset for Southern California boaters and for the economy of the City of Needles. He also thanked the Commission for prior approvals of grant funds.

Mr. Rowe reported that the San Bernardino's Sheriff's Office is anticipating about 250,000 visitors to the river this weekend and they will add additional deputies to help with the boaters. He said with the boat launching ramp not being completed, the City of Needles tries to accommodate and manage both the vehicles and boat trailers traffic. He provided the Commissioners with a handout which shows photographs of the proposed project.

Commissioner Rupf indicated the Commission visited the site in 2000 and spent time on the Colorado River. He said Contra Costa County, in the past, has sent peace officers to help the San Bernardino's Sheriff's office in the area. Commissioner Rupf said it is a worthwhile project and hopes that none of the engineering and inspection fees are being paid by the grantee agency. Mr. Rowe responded if there are any fees, they would be waived.

Commissioner Purdon asked where the increase in cost was. Mr. Flood responded it was mainly in opening up the channel to get to the facility and dredging of eight to ten feet.

**MOTION:** It was moved by Commissioner Rupf and seconded by Commissioner Purdon that the Boating and Waterways Commission approve the request from the City of Needles for the phase III public grant of \$223,000 to complete improvements to the Jack Smith Park Boat Launching Facility. The motion carried unanimously.

### **Skippers Point Boat Launching Facility**

The United States Bureau of Reclamation has applied to the Department of Boating and Waterways for a public grant of \$1,185,000 to make improvements to Skippers Point Boat Launching Facility (Skippers Point BLF). This proposed project concerns phase I funding of \$118,000.

Skippers Point BLF is located on Stony Gorge Reservoir in Glenn County, about 3 miles southeast of the City of Elk Creek.

Mr. Flood reported the proposed Skippers Point Boat Launching Facility project would entail the following: 1) demolition of the existing boat launching ramp and construction of a new boat launching ramp, 2) installation of a new boarding float, 3) construction of a new parking area, 4) demolition of the existing restroom and construction of two new restrooms, 5) installation of slope protection, 6) addition of electricity and lighting, and 7) installation of signs.

Mr. Flood stated that staff recommended that the Commission consent to the public grant of \$118,000, to make improvements to the Skippers Point Boat Launching Facility.

Basia Trout, Resource Specialist, United States Department of the Interior was available to answer questions from the Commission.

Ms. Trout reported the Bureau of Reclamation (Bureau) is not able to provide recreational facilities under the current project authority unless there is a managing partner and the last time there was a partner was in the 1960s when the boat ramp was completed. She said the ramp is currently not safe or accessible. Commissioner Purdon asked how the boat launching ramp will be managed. Ms. Trout responded there is current management on board and they will manage it.

Mr. Flood indicated Commissioner Metz visited the proposed project site. Commissioner Metz reported that the proposed project is in need of repair and recommends approval.

**MOTION:** It was moved by Commissioner Purdon and seconded by Commissioner Metz that the Boating and Waterways Commission approve the request from the United States Bureau of Reclamation for a phase I public grant of \$118,000

to make improvements to the Skippers Point Boat Launching Facility. The motion carried unanimously.

## **CONSIDERATION OF PUBLIC LOANS**

### **Alamitos Bay Marina – Basin 1**

The City of Long Beach has applied to the Department of Boating and Waterways for a public loan totaling \$12,105,000 to improve the Alamitos Bay Marina – Basin 1. This proposed project concerns phase IV funding of \$8,480,000.

The City of Long Beach is located approximately 22 miles south of Los Angeles. Alamitos Bay lies in the southeastern portion of the City of Long Beach.

Mark Sandoval, Manager, Marine Bureau, City of Long Beach was available to answer questions from the Commission.

Mr. Flood indicated the proposed project would entail the following: 1) demolition of existing berths and construction of 159 new berths, 2) installation of concrete piles, 3) installation of gangways, 4) installation of dockside utilities, 5) dredging, 6) construction of restrooms, and 7) construction and/or repaving of parking areas.

Mr. Flood stated that staff recommended that the Commission consent to phase IV funding of \$8,480,000, to the City of Long Beach to complete the Alamitos Bay Marina – Basin 1.

Chairwoman Clark indicated the Commission visited the project site last year.

**MOTION:** It was moved by Commissioner Metz and seconded by Commissioner Purdon that the Boating and Waterways Commission approve the request from the City of Long Beach for a phase IV public loan of \$8,480,000, to complete improvements to the Alamitos Bay Marina – Basin 1. The motion carried unanimously.

### **San Francisco Marina – East Harbor**

The City and County of San Francisco (City/County) has applied to the Department of Boating and Waterways for a public loan of \$21,570,000, to improve the San Francisco Marina. This proposed project concerns phase I funding of \$500,000.

The San Francisco Marina is located on the northern waterfront of the City of San Francisco in the Marina District. The marina is 1.5 miles east of the Golden Gate Bridge and just west of Fort Mason. The marina also adjoins lands of the Golden Gate National Recreational Area.

Mr. Flood indicated the proposed project would entail the following: 1) demolition of existing berths and construction of reconfigured berths in the East Harbor, 2) upgrading of dock utilities; 3) new gangways and security gates, 4) construction of a new breakwater, 5) replacement of revetment, 6) dredging, 7) building improvements, and 8) electrical system improvements.

Mr. Flood stated that staff recommended that the Commission consent to phase I funding of \$500,000, to the City and County of San Francisco to make improvements to the San Francisco Marina.

Brad Gross, Manager of Operations, City of San Francisco, was available to answer questions from the Commission.

Commissioner Purdon said Department staff cannot comment on the issue of \$27 million which is going to State Parks, but the Commission can. He said, on his behalf, if there is anyone in the audience that has any influence on legislatures or government officials, to contact them on the issue of preserving the money the Department of Boating and Waterways is losing every year. Commissioner Purdon asked if the money is being taken every year, how are this project and others going to be completed.

Chairwoman Clark said if it were not for the continued redirection of the money, then the Department would not have to phase fund the projects. She said when projects are phase funded, the price of the projects increase as time goes on and cost escalates. Chairwoman Clark said the Commission did contact several Legislators and asked if the audience has any influence to please contact their representatives. Mr. Gross responded that phase funding this project increases the cost by about \$1,000,000 every year.

Mr. Tsuneyoshi stated the Department supports the Administration's decision to transfer funds and cannot respond on this issue.

Commissioner Metz said he noted that in the berth size distribution plan there is an increase for 35' and 40' berth sizes from 68 to 177 and only increased the berth sizes of 45' to 90' by 4. Mr. Gross responded that the harbor is for small crafts and there are limitations in the facility by channel widths, existing structures and impediments for vessels to maneuver through the marina. He said 20' and 25' berths are readily available and easy to fill and it is costing more to keep a boat in the smaller slips. Mr. Gross said after looking at the numbers and repayment of the loan and how much will be needed to charge for per foot berth price, it was decided to eliminate some of the smaller berths and give the boater an option to move into a larger berth and concentrate on where the demand was for the area.

**MOTION:** It was moved by Commissioner Purdon and seconded by Commissioner Metz that the Boating and Waterways Commission approve consent to phase I funding of \$500,000, to the City and County of San Francisco to make improvements to the San Francisco Marina. The motion carried unanimously.

### **Dana Point Harbor Marina-Loan A**

The County of Orange has applied to the Department of Boating and Waterways for a public loan of \$15,000,000 to improve the Dana Point Harbor Marinas as part of the larger Dana Point Harbor Revitalization Project. This proposed project concerns phase III funding of loan A in the amount of \$5,000,000.

The total marina reconstruction project will be divided into four smaller loans of approximately \$15 million which will allow the Department to better allocate resources, and marina reconstruction to proceed at an earlier date in order to keep costs down as much as possible.

Dana Point Harbor is located in the City of Dana Point, along the southern shoreline of Orange County, between the City of Oceanside to the south and the City of Newport Beach to the north. The Harbor is divided into two marinas, the East Marina and the West Marina.

Mr. Flood indicated the proposed project would entail the following: 1) demolition and reconstruction of berths in the West Marina, 2) installation of gangways, 3) replacement of dock utilities, 4) repairs to the bulkhead, 5) reconfiguration of a parking area, and 6) construction of temporary docks to be used during the entire marina renovation project.

George Carvalho, Director, County of Orange and Vincent Gin, Engineering Manager, County of Orange were available to answer questions from the Commission.

Diane Harkey, Mayor, City of Dana Point, spoke in support of the proposed project. She said the harbor is a recreational facility enjoyed by millions of people all year around. Ms. Harkey stated the harbor renovation is part of a plan to improve the entire harbor of which the City is renovating the landside and the County is renovating the waterside.

Mr. Carvalho welcomed the Commission to Dana Point. He said he is aware that the proposed project will take several years to get through the various phases and the County is planning accordingly. Mr. Carvalho thanked the Commission for the \$2.5 million grant that was given for the boat launching ramp which is now completed and will open this weekend. He added the boat launching ramp was completed on schedule and on budget.

Chairwoman Clark asked for clarity on the issue of funding the project. Mr. Flood responded the economic analysis is based on four phases. He said originally the County applied to the Department with a request for a \$60 million loan, but because of funding issues, the Department asked the County to divide the project into smaller segments of \$15 million each, which would make it easier for the Department to fund. Mr. Flood stated the \$60 million was also reduced to \$45 million at that time and the Department asked the County to reduce the project. He let the County know the Department would consider additional phases which would include the dry stack storage which was originally taken out and is on today's agenda. Mr. Flood said the original request to the Commission was for a \$45 million loan divided into three phases which are called A, B and C. The actual cost estimate for the project is now \$84 million. He indicated that after discussion with the County, the Department is recommending the loan be for \$60

million instead of \$45 million and be done over phases of \$15 million to make it easier to fund and construct.

Commissioner Purdon asked how often the County's request will be coming before the Commission. Mr. Flood responded the request will come forward every year for a portion of the \$15 million loan, like agenda item 10 D, which is phase II of loan B.

Commissioner Purdon asked if the Department only receives \$21 million from the Motor Vehicle Fuel Account, then how are the bigger projects going to be completed? Mr. Flood responded that is why the Department is phasing the projects. Chairwoman Clark added the \$21 million is coming from the Motor Vehicle Fuel Account, but there is also money coming back from repayment of the loans. Mr. Flood responded that an additional \$18 to \$20 million annually is coming back from repayments of loans.

Chairwoman Clark said first it was \$15 million in three phases and now it has been changed to \$15 million in four phases but the total is now \$84 million instead of \$60 million, where is the additional \$24 million coming from? Mr. Carvalho responded the County is discussing it and looking into whether there can be another incremental loan. If not, the County has to figure out how to come up with the additional amount of money or reduce the scope of the project.

Chairwoman Clark said her concern is that the project is estimated to be more than the Department can make available and there should be another revenue stream that can be used. Mr. Flood responded the Department does not know what next year's budget will be for the Department. He said if the Department did agree to a \$84 million loan, phased in over time, the projections from the marina are more than sufficient to repay the loan, but the Department may not be able to come up with the \$84 million fast enough for the County to do the project on their timeline. Mr. Flood indicated the County has asked if the Department would consider loaning them the entire \$84 million. Mr. Flood stated a preliminary analysis was done and the additional loan amount appears to be feasible, but it would have to come before the Commission and fund availability would depend on future budgets.

Commissioner Rupf indicated that the phase approach was done well before the so called raid by State Parks. He said Department staff looks at what today's budget will allow, and the numbers have always been conservative and attainable for loans and grants; and, there is no promise that subsequent phases will be allowed except as the budget allows. He stated Department staff have been put in the position by previous Commissioners of given the total picture so that it is not misinterpreted as a quagmire that the Commission approves phase one and is then obligated to approve subsequent phases.

Commissioner Rupf asked if the Department's budget would allow the loan if it is supported by the Commission. Mr. Flood responded yes, the Department's budget would allow for the loan.

Commissioner Purdon asked if the money is not available does the County have a contingency plan. Mr. Flood responded the County is working on contingency funding for all of the other improvements that are going in the harbor and if they have to, they would do the same for this project as well.

Commissioner Metz asked, if under the worst possible scenario, the Department is able to fund up to \$60 million and the County is not able to raise the balance, can the project be so managed to minimize loss of service, loss of rental income from slips and be so managed in a way that it could be temporarily halted with minimal impact. Mr. Carvalho responded that the County has developed a contingency plan in the event that the Department only funds \$60 million and the County is short \$25 million. The plan, he said, is to reduce the scope of the project and another option would be not to complete the project. Planning, he said, has been looking at areas to reduce the scope of the project in dollars and alternatives for raising money to fund the project. Mr. Carvalho stated there are many options available to the County to try and complete the project on schedule. Mr. Flood added that each of the \$15 million loan phases was designed to be self supporting so that the Department can fund the first \$15 million project and be completed and the repayments from that portion should be able to repay that part of the loan. He said each loan can stand alone.

Commissioner Metz asked if this loan has been changed from \$45 million to \$60 million and if the letter from Senator Tom Harmon who on April 26, wrote the "The Boating and Waterways Commission will be considering increasing the Dana Point Harbor loan amount from \$45 million to \$60 million and to fund the loan by \$5.5 million". He said from the feasibility report it reads the two Dana Point loans equal \$5.5 million and he does not see it stating moving from a loan obligation of \$45 million to \$60 million. Mr. Flood responded that staff decided to wait and consider increasing the loans from \$45 million to \$60 million in the future after the County decides to either request \$84 million and find funds elsewhere, or reduce the project scope. Commissioner Metz stated that it is incorrect then that the Commission will approve an increase in the Dana Point Harbor loan from \$45 million to \$60 million. Commissioner Purdon added that the Commission is approving \$5 million if both A and B loans are approved and that is all that the Commission is obligated to. Mr. Flood responded that the Commission can only obligate funds that are in budget right now. He said even if the Commission were to agree to the entire \$84 million, the Department is only obligated to the \$5 million now and the \$500,000 that is being considered on the next agenda item. Mr. Flood stated the Commission is agreeing in concept to fund the project in the future but the Department can not actually approve future funds. So it made more sense to consider changing the loan amount from \$45 million to either \$60 million or \$84 million only once.

Mr. Gin clarified the letter from Senator Harmon's letter of support for the Dana Point Harbor loan. He said the Harbor is hoping to increase the conceptional target of the loan package and programs through the Department, but the formal encumbrance and agreement will be funding that total target of \$5.5 million and is not a commitment nor obligation but merely a planning target of \$60 million. Mr. Gin said the cost has increased and the County has asked Department staff to reevaluate the loan target from the original \$60 million that was cut to \$45 million due to budgetary limitations. He said in terms of commitment it is only \$5.5 million. Mr. Gin said it has been planned to break the project in phases as a contingency for future funding and if funding dries up then the County will have to separate the project or plan for contingency funding, but each loan of \$15 million is discreet and stands alone. Mr. Flood added the Commission will not be officially asked to consider the \$60 million until a future loan came before the Commission.

## **Public Comment**

Roger Beard, Dana Point Harbor Boater's Association, spoke on the approval of the project. He said there are some concerns in particular mitigating the impact loss of small boat slips in the harbor but in the spirit of diplomacy and working together, he is in support of the project. Mr. Beard added it is not clear to him on what is going to be done with the \$5 million and it should be discussed and clarified.

Ted Olsen, Vice President, Dana Point Boaters Association, spoke on the association's support of the project. He said it is the boater's money and should be spent on boating projects. Mr. Olsen stated his association has informed his membership to contact their legislators and will continue to do so. He said there is an alarming lack of boating access in Orange County and since the completion of Dana Point Harbor over 30 years ago, Orange County's population has doubled and the Harbor has not. The boating population, he added, has more than doubled with more individuals becoming involved with boating. He thanked the Department for improvements to the launch ramp which will make an improvement to the trailer boaters. Mr. Olsen indicated that he does not completely agree with the slip configurations and the loss of small slips, but through negotiations with the County, this concern can be alleviated. He said his association has membership throughout southern California and many come to this harbor.

John Whitman, Sheriff, Orange County Sheriff's Department, spoke on his support of the project. He said the current slips are now over 30 years old and are not safe. Mr. Whitman stated as a member of the harbor patrol in Dana Point his concern is for safety for the boaters and his staff. He said the docks are unsafe for his staff and all boaters. He said the longer the project is delayed the direr the dock's condition becomes. He thanked the Department and Commission for encouragement for safe boating and all the effort put into it.

Bob Knoke, boat owner, said that Dana Point Harbor is a finite limited space and once it is destroyed or changed, it will be changed forever. The County, he said, wants to spend a lot of money and usually when you spend money you usually want more than what you have now. Mr. Knoke said the County wants to eliminate slips under 30' and under the current plan the County wants to reduce the percentage of 30' and under slips from 75% to 45% of the total. He said there is no other place to build a marina in Orange County and once you eliminate the slips it will be a major problem. Mr. Knoke indicated the problem would be like State Parks or the National Parks System eliminating tent sites because people want to use big motor homes when camping. He said public access is an issue and once it is gone it is gone forever. Mr. Knoke said the future of boating is generated with young people with their families going boating. He said if you destroy the little boat slips and eliminate them, you will be destroying the future of boating in this state. Mr. Knoke stated he is in support of the rebuilding the harbor, but recommends that a requirement be made that the County look into and addresses the issue of small boat slips.

Commissioner Metz asked how the Slip Inventory, Proposed Mix and Wait List chart in the Feasibility Report was developed. He referred to the chart on page five of the Feasibility Report. Commissioner Metz reviewed the chart and indicated there are about 1,875 people on waiting list for slips between 30' and above. He said the plan distribution shows boats between 30' and 34' have a net increase of 312 and 350 people on the waiting list, so after completion of renovation

of the harbor 38 will be disappointed. He continued, for the category of 35' and 39' a net increase of 263 berths and a waiting list of about 550 with 287 people disappointed after the renovation of the harbor. For 40' and above, the chart shows a net increase of slips of 75 and a wait list of 1,265, so there will be 1190 disappointed people. Commissioner Metz said there is a total net increase of slips of 650 in 30' and above and a wait list of 2165 with 1515 people not satisfied. He asked how is a wait list defined, it is an individual who does not have a berth now and would like a 40' berth or greater. Mr. Carvalho responded the people on the wait list can have a boat that may currently be in the water or they can be someone who is not in the water currently and have put down their month deposit and wait their time. The higher you go, he said, on the size of the boat, the longer the wait. Commissioner Metz stated if he is an existing berth holder, for example, and in the 30' slip and wants a 35' or 40' slip and I go on the waiting list, I am being doubled counted. Mr. Carvalho responded that yes, he would be double counted.

Commissioner Purdon asked about double counting. Mr. Carvalho responded that it has been all factored in and the net number is about 1,500, so even though there are 3,000 on the list and 90 percent want a slip over 30', the net number, taking everything into consideration is 1,500. He said the demand is higher in the larger slip sizes. Mr. Carvalho indicated that after many meetings, the County is being responsive to the concerns expressed by the people.

Commissioner Purdon asked if the dry storage is being increased. Mr. Carvalho responded there is a proposal to build a dry stack storage building that would house up to 400 boats and the County is also looking at providing additional spaces elsewhere in the harbor as well. He added the County is looking at purchasing about seven acres that will house another 500 boats. Mr. Carvalho indicated the Coastal Commission is very concern about boating access and the boater's associations will be present at meetings with the Coastal Commission to discuss this issue.

Mr. Richard Brown, boater, said when a slip becomes available for the larger boats, people on the wait list turn it down, and so the numbers could be slanted.

**MOTION:** It was moved by Commissioner Rupf and seconded by Commissioner Metz that the Boating and Waterways Commission approve the request from the County of Orange for a phase III loan of \$5,000,000 of the \$15,000,000 Loan A to make improvements to the Dana Point Harbor Marina.

Commissioner Purdon asked if the motion is for Loan A or Loan A and B. Chairwoman Clark responded the motion is for Loan A. Commissioner Rupf said he is prepared to amend the motion if appropriate.

Commissioner Rupf stated a position has to be taken that improves the boater's situation and embracing the idea of different sizes and shapes and interest and that the loan conforms to the guidelines of the Department. He said even though there is some disagreement within the

community, there is a commitment to work on the issues on both sides. Commissioner Rupf amended his motion to include Loan A and Loan B.

**MOTION:** It was moved by Commissioner Rupf and seconded by Commissioner Metz that the Boating and Waterways Commission approve the request from the County of Orange for a phase III loan of \$5,000,000 of the \$15,000,000 Loan A, and phase I loan of \$500,000 of the \$15,000,000 Loan B to make improvements to the Dana Point Harbor Marina. The motion carried unanimously.

Mr. Flood indicated Loan B covers: 1) demolition and reconstruction of berths in the West Marina, 2) installation of gangways, 3) replacement of dock utilities, 4) repairs to the bulkhead, and 5) installation of gates, fencing and a security system, and parking are improvements.

Chairwoman Clark called for a break at 10:56 a.m.; the meeting resumed at 11:08 a.m.

Commissioner Rupf left the meeting.

## **OLD BUSINESS**

### **Update on Copper Bottom Paint/Invasive Species**

Dr. Flick gave a Power Point presentation on the study titled “*Does Copper Affect Benthic Communities in the Shelter Island Yacht Basin?*” The study is being conducted by Dr. Carlos Neira and Professor Lisa Levin, benthic ecologists at Scripps Institution of Oceanography.

Dr. Flick said the study was initiated at the request of the Commission to find out what, if any, effects copper might have on the organisms and community structures in the Shelter Island Yacht Basin.

As background, Dr. Flick outlined the conclusions of the recent San Diego Regional Water Quality Control Board’s (SDRWQCB) Total Maximum Daily Loads (TMDL) report for Shelter Island Yacht Basin (SIYB), which indicated findings of 8-12 micrograms per liter maximum observed copper concentrations in the water. The Neira-Levin study showed even higher values of up to 20 micrograms per liter in the water column. In contrast, the Clean Water Act, the California Toxics Rule, and EPA objectives mandate that dissolved copper concentrations should be under 3.1 micrograms per liter for chronic conditions, and under 4.8 micrograms per liter for acute exposure. The TMDL has decreed a 76% reduction on copper concentrations over a 15-year period beginning in the next year or two.

Commissioner Purdon asked if the SDRWQCB study took any consideration for runoff of copper from streets and rain runoff. Dr. Flick responded the Water Board study did take all sources of copper into consideration.

Commissioner Metz asked if the study done by Lisa Levin will be addressing some of the conclusions from the SDRWQCB. Dr. Flick responded no, they are not tasked to do that. The Water Board TMDL report is being taken as a given, and it is not the purpose of the Scripps study to re-examine those conclusions.

Mr. Johnson said in the report done by the Water Board, 95% of the copper in the study yacht basin was attributed to the boats in the yacht basin. Dr. Flick responded the Water Board report indicates it is up to 98%.

Chairwoman Clark stated that when the Commission requested the study, it was not to challenge the Water Quality Board's numbers, but to provide an opportunity to see some scientific display of that information that everyone could understand. She added if it turned out that the Board's findings were correct, we would live with it.

Dr. Flick responded the Commission asked that a study be done to address the question of given the high concentrations of copper in the water and sediment, is there in fact an effect on the ecology of SIYB. He added the reason the Neira-Levin study is looking at the benthos (bottom sediments) is because first, that is where the copper pollution ends up, and second that the organisms in the bottom form the basis of the food chain in these habitats.

Dr. Flick showed the Commission several vials of macro-fauna, sampled from the bottom of the yacht basin. He said there is no longer any point in debating the fact that the water is polluted with copper, and the concentrations in both the water column and the bottom exceed the guidelines that are the basis of the TMDL. Dr. Flick stated the Commission wanted to know does the copper effect the ecology of the living organisms and if so how.

Mr. Johnson said the tests that have been done on copper all have been done in the laboratories, and the Commission wanted to know what actually happens in the real world water environment.

Dr. Flick stated one of the first findings in the Neira-Levin study suggest that the process that controls the concentration of copper in the water depends more on circulation then on position and density of boats in the basin. On the other hand, the copper concentration in the sediments seems to be much more related to the location and density of boats.

Dr. Flick indicated that the future Neira-Levin project objectives are:

- ♦ Establish reference sites in San Diego Bay and/or Mission Bay;
- ♦ Compare other semi-enclosed basins-Commercial Basin, Harbor Island;
- ♦ Quantify nematodes and copepods;
- ♦ Determine copper complexation detoxification capacity;
- ♦ Measure total copper and copper ion activity in water and sediment porewater;
- ♦ Develop macro-faunal sensitivity indices and copper pollution indicators;

- ♦ Conduct lab exposure experiments to determine survival, growth, and copper;
- ♦ bioaccumulation in selected benthic faunal species;
- ♦ Determine copper export/import from marinas to main channel via flows, sediment, and animal pathways.

The Commission thanked Dr. Flick for his presentation, and Dr. Flick thanked the Commission for their support of these important studies.

## **LEGISLATIVE REPORT**

Mr. David Johnson reviewed the Legislative Report and gave the Commission an update of legislative matters concerning the Department. Copies of the Legislative Report were available to the public and Mr. Johnson was available to answer questions from the Commission members.

He reviewed the following bills: AB 951 (Jones); AB 990 (Berg); AB 1000 (Smyth); AB 1335 (Strickland); AB1355 (Houston); AB 1458 (Duvall); AB 1683 (Wolk), and AB 898 (Simitian)

Commissioner Purdon asked, referring to AB 1000, if local authorities at the present time can not stop a boat. Mr. Johnson responded at the moment they can stop a boat for specified safety reasons, such as, overloading or not enough life jackets.

Mr. Johnson thanked Chairwoman Clark and Jerry Desmond, RBOC lobbyist, for all the help on AB 1458, the mandatory education bill. He said the boating community, a couple of weeks ago, came to a consensus on AB 1458, but the bill was dropped by Assemblymember Duvall. Assemblymember Duvall, he said, has agreed to introduce a similar bill in 2008.

Commissioner Metz asked if the Department ever takes a position on Legislation. Mr. Johnson responded a bill analysis is done and submitted to the Resources Agency. Resources Agency then sends it to the Governor's office Legislative Unit and then they will give us an approved position.

Commissioner Metz asked if the Commission can approve or disapprove a bill. Mr. Johnson said yes, since the Commission is independent, and if they desire to take a position on any piece of Legislation, but they must make sure it is relevant to boating and a substantial issue to the Commission.

## **PUBLIC COMMENTS**

### **California Yacht Brokers Association**

Mr. Marc Bay, President, California Yacht Brokers Association (CYBA), spoke to the Commission about his organization. He said CYBA has been committed in working closely with the Department, for instance, he said CYBA has helped the Department on redoing the brokers and salesperson exam. Mr. Bay offered some suggestions and said there are a lot of new technologies and the computer has drastically changed his industry and that the laws that were

written from the Department were written many years ago. While the Department's directive has changed to accommodate some of the things the computer has brought, the Department is still lagging behind and needs to catch up with technology. Mr. Bay stated CYBA would like some assistance for the possible revisions to the Harbors and Navigation Code. He said he realizes it may take legislative action and will help the Department in any way it can. Mr. Bay said the Department does not have any real way to enforce unlicensed activity in the brokerage sale community. He said the only persons the Department can have any enforcement on currently are the ones that care enough to be licensed. Mr. Bay said some of the changes could be done to sections 711 and 712 of the Yacht and Ship Act Brokers (Act), which relates to unlicensed persons and the authority provided by section 668, which are the penalties. Mr. Bay stated Department staff needs to have the ability to take some action against the unlicensed people as it is done at other state agencies that license individuals and look out for the consumer. He said Department staff should be able to cite the unlicensed individual for operating without a license.

Commissioner Purdon asked if in the automobile industry they could sell 12 cars a year without being licensed. Mr. Bay responded it has to be their own cars, but in the brokerage and sales of vessels, the law states one does not have to have a license to resale vessels. Commissioner Purdon asked what if someone sells somebody else's boat and the person who sells the boat gives the unlicensed person a finders fee. Mr. Bay responded the finders fee is the commission and it is against the law, but the Department does not have any jurisdiction over unlicensed persons. He said it is annoying for the brokers who spend the money and take the time to get and maintain a license, carry the bond, have an office and the Department is unable to do anything to the unlicensed person.

Commissioner Purdon asked if the Department could do something, it would mean more cost. Mr. Tsuneyoshi responded the Department does not have enforcement authority and that would have to be put into law.

Mr. Bay asked then why does the Department exist. Mr. Tsuneyoshi responded Mr. Bay would have to get a lobbyist to talk to a legislature. Mr. Bay responded CYBA is asking the Department for some formal support and maybe help in drafting some language. Mr. Johnson said the legislative process is confidential and the Department is aware of this issue and trying to move forward.

Mr. Bay stated there are out-of-state brokers that are listing boats within the state and offering them for sale. The same action should be taken against them as well. Commissioner Purdon stated that issue is very complicated issue, for example what if a boater has a home port in Virginia, but has his boat here in California and happens to be passing through San Diego but his broker friend in Virginia list it and sells it back in Virginia. Chairwoman Clark stated there are many online brokers selling boats everywhere. Mr. Bay responded an effort should be made to enforce the California laws that are on the books which state you can not sell a boat in the State of California unless you are licensed. He said he is not asking for any new laws but only the current laws to be enforceable.

Commissioner Purdon asked what is done when the Department hears of an unlicensed person selling boats. Mr. Johnson responded the Department forwards the information to the local

district attorney and they would have to prosecute. Commissioner Metz stated he has a friend in the consumer protection division and they may want to take a case now and then just as a deterrent so that word is spread that for consumer protection this type of unlicensed activity is a problem. He said a contact to that appropriate section of the Attorney Generals' Office may be helpful.

Commissioner Purdon asked what is currently done about the unlicensed person. Mr. Bay responded that currently it is reported to one of the Department's two investigators and they will write a letter or make a call and ask the person to stop selling boats. Commissioner Purdon suggested he should contact the Attorney Generals' office and let the Commission know what happens.

Mr. Bay said another change that should be considered is that to be a broker, one has to be currently a licensed salesperson for one year and he has seen that some individuals need additional training, more experience and in general learning the laws in the Act. He suggested going back to a two-year period of having a salesperson license before being able to apply for a brokers' license. Commissioner Purdon asked if there is any continuing education required for a license. Mr. Bay said there is not a requirement, but there is a program called Certified Professional Yacht Broker which was started by a national organization of yacht brokers and they do require continuing education to continue the membership within the organization. Commissioner Purdon asked if he would like to see the laws parallel to the real estate brokerage. Mr. Bay said it would definitely benefit the public. He said he is going to draft a disclosure form, even though there is no law that requires it, and it will be up to each individual broker to use it if they want to. He added the disclosure form is widely used in the real estate community.

Commission Purdon asked if someone in Monaco wants to sell a mega yacht in the Los Angeles area through an international company, would they have to work with a California broker to make the sale. Mr. Bay responded technically they would have to be licensed in the State of California as the larger companies are.

Mr. Bay said another issue which has been brought up several times is the use of the term employee in all reference in the Act. He said if the salesperson is a new boat dealer, they are employees, but the people that work with him are independent contractors, so he would like to have the language in the act changed everywhere it references employee. Mr. Bay said the reason this change needs to be made is it causes confusion among the people who look to insure them and if there were a problem with one of the contractors, they could claim they were employees and in fact are not.

Mr. Bay stated he would like to clarify the role of internet advertising. He said there is a company called Yacht World, which is the largest internet advertiser in the world. They have, he said, a program called Private Label Search that allows brokers anywhere to have a search engine on their web site that will bring up another broker's listing and does not disclose that the other broker is actual the listing agent. Mr. Bay said in real estate it is the law that the agent has to be disclosed even though the buyer is represented by another agency. He said he is not allowed to use that search engine because in the State of California because it does not disclose who the listing agency is. Commissioner Purdon asked is that is an internal policy. Mr. Bay responded it

is in the Act and Ms. Fisher did a clarification letter on this subject. He said he does not know how to address this issue if there needs to be a law or a letter from the Department to Yacht World specifically stating that any boat that is represented to consumers in the State of California would have to disclose who the listing agency is.

Mr. Bay said the last economic impact study done on boating in California was done in 1997 and he would like the Department to consider doing another one. Mr. Tsuneyoshi responded the Department is waiting for the US Coast Guard who is putting together the criteria for a national boating survey. He said the Department wanted to make sure it had their criteria so it could be blended into the Department's study. Mr. Tsuneyoshi said the Coast Guard is almost done and then the Department will proceed with its study, hopefully next year.

Mr. Bay reported that the State of California has enacted legislation to avoid sales taxes on vessels. He said to avoid the tax, the vessel has to be removed from California to take delivery outside the state and remain out of state for one year. Mr. Bay indicated that it is probably costing the state money having the vessels out of state for a year. He said when someone buys a vessel they are going to have a lot of projects to complete on the vessel and if they are required to stay out one year and not the 90 days which was the case before the legislation, then they will most likely complete the projects in this state, slips and boat yards.

Mr. Bay said the State of Washington enacted Legislation allowing purchases or purchases made in California and brought into the State of Washington to operate in Washington waters for a year before triggering any taxes. This was done recently, he said and this attracts the people who buy vessels in California who then bring them to Washington for a year and spend their money there.

Mr. Bay said the law will sunset and it is not permanently enacted, so the Department or the Commission can send a letter or comment. Commissioner Purdon said what is being alluding to here is the economic impact report that the Department may be able to do and maybe able to give some evidence to the fact that it is hurting the economics of the industry.

Chairwoman Clark stated that when the bill was making its way through, the Yacht Brokers Association did not really get involved to defeat the bill. Mr. Bay said the Association did get involved and had their lobbyist working on it. She said Recreational Boaters of California (RBOC) could not get any support from anyone else in opposition of the bill until the bill was going to be passed. Chairwoman Clark said the RBOC is looking very closely at the economic impact and if there is going to be any movement at all to get it to sunset. Mr. Bay responded that their current lobbyist will work with RBOC.

Chairwoman Clark thanked Mr. Bay and said she will pass the laundry list to the Department and at the next strategy session it will be discussed and then someone will get back to him on some of the things that the Department or Commission might be able to effect.

### **Southern California Marine Association**

Mr. Dave Geoff, Executive Director, Southern California Marine Association (SCMA) gave a Power Point presentation on SCMA. He said SCMA is the oldest and largest marine trade organization with over 600 member businesses. Mr. Geoff said they produce six annual boat show events to promote boating and support its member businesses. The boat shows are in Los Angeles, Orange County, Irvine Lake, Pomona, San Diego and in Long Beach.

Mr. Geoff reported that recreational boating's annual economic impact on California. He said one out of every five Californians enjoys boating and 284,000 jobs are generated by boating. Mr. Geoff said there are an average 35 number of days per year that California boaters spend on the water, twice the national average.

Mr. Geoff said the Department can help SCMA with legislative matters, boating education and boating access. He said the Department can have simple and convenient education and testing to encourage participation and participate at boat shows to allow boaters to see what services the Department provides.

Mr. Geoff stated boating access is lacking in California and the State needs more launch ramps, slips, boat storage, guest slips in marinas and affordable slip fees. He said it would be great to have a new financial impact report done and SCMA would like to participate and assist.

Chairwoman Clark said if it would be possible to get a handout on the Power Point presentation. Mr. Geoff said he would be happy to send them one.

Chairwoman Clark thanked him for the presentation.

### **Brian Roney**

Brian Roney, Casitas Municipal Water District (District), stated they just completed a \$1.4 million grant with the Department and he thanked Department staff Steve Watanabe and Harold Flood for helping in closing out the paperwork. He said Mr. Flood inspected the completed site and was very happy with the results. Mr. Roney indicated the process works; it just takes a little bit of time.

Mr. Roney said the District is sponsoring AB 1335 because the District is not eligible for any subvention money provided by the Department. He said the County of Ventura does not offer boating enforcement and there are two fresh water lakes, Lake Piru and Lake Casitas, which the District operates. The District provides boating enforcement at the lakes and the District is in the County but is not eligible for the subvention funding because the County does not do boating enforcement. Mr. Roney is seeking a bill to level the playing field. He said there is one county that is taking over a \$1,000,000 in funding based on a legal change definition of the boating enforcement criteria. Mr. Roney stated \$1,000,000 is going to Los Angeles County Fire Department which does not do boating enforcement. He said some of the opposition the bill is running into is misunderstood.

Mr. Roney said the District is not subsidized with taxpayers' dollars. He said to pay for boating law enforcement on the facilities they would have to double or triple the existing launch fees. It is a complicated bill and the District is looking for some possible administrative or legislative relief where they can be eligible for funding.

Commissioner Metz asked where is \$1,000,000 that is going to Los Angeles County coming from. Mr. Roney said the money is coming from the Department's subvention funds. Commissioner Metz asked if the funds are used for water enforcement. Mr. Roney responded that the legal definition that allowed one to become eligible for the funding was changed a few years ago. Words were inserted to qualify the Los Angeles County lifeguards which are a portion of the Los Angeles County Fire Department. He said they currently receive over a million dollars per year but do no boating enforcement. Mr. Johnson responded that the Department receives an application every year from Los Angeles County and they have to certify that they are spending 100 % of funding on boating safety and law enforcement before they become eligible for the funding. Mr. Tsuneyoshi added that it is the lifeguards on Baywatch and they do have law enforcement capabilities and if they find someone, they then call a law enforcement officer who will ticket them. Mr. Roney responded the County designated the Fire Department as the primary funding mechanism for the subvention funds but the Los Angeles County Lifeguards operate on County beaches and their primary mission is swim and rescue not boating enforcement and they do not write tickets. He added since the County is not eligible for subvention funds, they are not high enough on the list to receive equipment grant money either.

Commissioner Metz asked if there is any audit as to how the funds are used. Mr. Tsuneyoshi said they do audit and at times the Finance Department goes into a county and does an independent audit if the Department suspects they are not using the money as they should be.

Chairwoman Clark said at the next meeting they will consider this issue.

Mr. Tsuneyoshi added that there are new employees in the Department and he will have them look into this, especially the equipment grant.

## **MARINA PRACTICES TO ALLOCATE BERTHING SLIPS TO VESSEL OWNERS**

Mr. Johnson stated that the report has been completed and has been submitted to the Administration. It is still being reviewed and has not been approved for forwarding to the Legislature.

Commissioner Metz asked if it is known when it will be cleared from the Governor's Office. Mr. Tsuneyoshi responded that there are many reports for various agencies that have been waiting for approvals.

Mr. Johnson said he received a telephone call from the Senate Rules Committee about Commissioner's Metz confirmation process and they will send a letter to Commissioner Metz and the Department asking for the report.

## **COMMISSIONER ANNOUNCEMENTS**

There were no Commissioner announcements, but Mr. Johnson said a closed session meeting has to be scheduled before June 29. After discussion, a meeting was scheduled for June 29 in San Diego.

## **ADJOURN**

Chairwoman Clark adjourned the meeting at 1:34 p.m.

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Raynor Tsuneyoshi, Secretary